

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

—
W.P. NO.23563 of 1998

—
DATED: 03.12.2007

Between:-

APSRTC Staff & Workers Federation, rep. By General Secretary.

PETITIONER
AND

The Depot Manager, APSRTC, Maddalapalem City Depot,
Visakhapatnam District, A.P. & another.

RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23563 of 1998

ORDER:

An order of suspension is under challenge in this writ petition.

This Court, by its order dated 25-09-2000, observed that the only allegation against the second petitioner was that he had distributed leaflets during the working hours. This Court observed that since distribution of leaflets pertains to the trade union activities, carrying out such legitimate trade union activity could not be a ground for placing the second petitioner under suspension and, accordingly, suspended the order of suspension.

Sri K.Madhava Reddy, learned Standing Counsel appearing for the respondent-Corporation, would fairly submit, that despite there being no interim order prohibiting a departmental enquiry being held, the Corporation has not chosen to hold an enquiry.

Inasmuch as an employee is placed under suspension during the pendency of disciplinary proceedings and since, admittedly, the respondent-Corporation has chosen not even to hold an enquiry into the allegations levelled against the petitioner for the past seven years, it is wholly unnecessary to examine whether the reasons stated in the impugned order for placing the petitioner under suspension is valid or not. The Writ Petition is allowed solely on the ground that the respondent-Corporation has not chosen to hold an enquiry into the allegations levelled against the petitioner despite having placed him under suspension seven

years ago.

The Writ Petition is, accordingly, allowed and the impugned order of suspension is quashed. However, in the circumstances, without costs.

03.12.2007

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